

Message Text

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ACTION EUR-12

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FM AMEMBASSY ANKARA

TO SECSTATE WASHDC PRIORITY 2766

C O N F I D E N T I A L ANKARA 5447

PASS DEPARTMENT OF AGRICULTURE ELECTRONICALLY

E.O. 11652: GDS

TAGS: BDIS, EAGR, ETRD, TU

SUBJECT: TRADE COMPLAINT: CONTINENTAL GRAIN

REFS: (A) ANKARA 5016, (B) STATE 189102

1. TURKISH GOVERNMENT HAS STILL NOT DECIDED HOW IT WILL HANDLE THE TRADE DISPUTE WITH CONTINENTAL GRAIN. METIN SAHIN, DEPUTY UNDER SECRETARY IN MINISTRY OF AGRICULTURE, TOLD ECONOMIC/COMMERCIAL COUNSELOR JULY 27 THAT MINISTRY OF FINANCE HAS HAD SOME LEGAL HESITATIONS ABOUT WHETHER A SETTLEMENT CAN BE PAID TO CONTINENTAL GRAIN AND, IF LEGALLY ALLOWABLE, ABOUT FORM IN WHICH IT WOULD BE PAID. SAHIN COMMENTED THAT FINANCE MINISTRY IS SO SHORT OF FOREIGN EXCHANGE OR ITS EQUIVALENT THAT IT WANTS TO MAKE SURE THAT IT REALLY MUST PAY.

2. SAHIN SAID THAT A LEGAL COMMITTEE WAS FORMED WITHIN THE MINISTRY OF AGRICULTURE TO PROVIDE ANSWERS TO THE QUESTIONS RAISED BY THE FINANCE MINISTRY. THE COMMITTEE DECIDED THAT IT WOULD LIKE TO HAVE AN OPINION ON THE MATTER FROM A FACULTY OF LAW. THE PROBLEM WAS FIRST REFERRED TO THE ANKARA UNIVERSITY LAW FACULTY WHICH FOR ONE REASON OR ANOTHER COULD NOT HANDLE IT. IT WAS THEN REFERRED TO THE LAW FACULTY AT ISTANBUL UNIVERSITY. SAHIN SAID THAT ISTANBUL'S CONSIDERATION IS SOMEWHAT SLOWED
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BY FACULTY VACATIONS. HE VOLUNTEERED TO CALL ISTANBUL UNIVERSITY TO FOLLOW UP THE MATTER. HE SAID THAT HE WOULD INFORM THE EMBASSY OF ISTANBUL'S RECOMMENDATIONS.

3. COUNSELOR TOOK OCCASION TO STATE THAT THE USG HOPED THAT A MUTUALLY ACCEPTABLE SOLUTION COULD BE REACHED AT EARLIEST POSSIBLE DATE.

4. COMMENT: WHILE THE MATTER OF THE CONTINENTAL GRAIN DISPUTE DRAGS ON MADDENINGLY, EMBASSY BELIEVES THAT REFERRAL OF THE DOMESTIC LEGAL ASPECTS OF THE ISSUE TO A UNIVERSITY LAW FACULTY IS A SOUND DEVELOPMENT. A LAW FACULTY WOULD PRESUMABLY EXERCISE A MORE INDEPENDENT JUDGMENT THAN A GROUP OF GOVERNMENT LAWYERS ALONE. THE LATTER MIGHT BE TEMPTED TO SEEK ARGUMENTS IN SUPPORT OF THE BIASED POSITIONS OF THEIR AGENCIES.

5. EMBASSY WILL FOLLOW UP WITH SAHIN ON THIS PROBLEM.
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